



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
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COMMISSIONER MARY T. BOYLE

## **Statement of Commissioner Mary T. Boyle on Vote to Advance Notice of Proposed Rulemaking on Adult Portable Bed Rail Safety Standards**

**October 13, 2022**

The Commission has taken an important step to address a longstanding safety failure: the risk of injury and death associated with adult portable bedrails. These bedrails are marketed directly to consumers, and despite years of accumulated evidence of fatalities and injuries involving entrapment in these bedrails, manufacturers have failed to take the actions necessary to mitigate known hazards.

Before moving forward with a rulemaking process for mandatory safety standards, Commission staff worked conscientiously with standards-making bodies to develop voluntary standards to make these products safe for consumers who rely on them. Unfortunately, the industry has resisted making changes that would protect their consumers and failed to come into compliance with the voluntary standard currently in place despite staff work to encourage compliance. I therefore worked with my fellow Commissioners to unanimously adopt an amendment to the draft Notice of Proposed Rulemaking to make clear that the current standard, as written, is not sufficient to eliminate or adequately reduce the unreasonable risk of injuries caused by adult portable bedrails.

The industry's abysmal record of noncompliance, combined with the inadequacy of the standard, necessitated action by the Commission. The vote today should be a resounding signal that though the voluntary standard process is a critical step in rulemaking, when that process fails, as it did here, the Commission has the absolute authority, and obligation, to advance rulemaking under the CPSA.

What is more, I remain concerned that the hazards presented by these products fall disproportionately on vulnerable consumers, including seniors and disabled individuals, as well as their families and caregivers. Often these groups find themselves left out of decisions and dialogues that affect their lives and their safety. As I reviewed the data related to this rulemaking, I noted the gender differential revealed by incident data—shockingly, 70% of incidents, most of them fatal, involved female victims. Commission staff has been unable to determine a reason for this finding, though they confirmed that life expectancy differences alone did not account for the stark difference. As we move forward with this rule and others, I plan to seek answers to this question and to underscore other gender disparities made apparent by incident data on a variety of consumer products and hazards. I am personally committed to making sure that the Commission makes safety for vulnerable and underrepresented populations a top priority.

Thank you again to the Commission staff for their conscientious work, and I look forward to reviewing the comments on this package.